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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,496	08/03/2006	Marc Sadler	13260	1919
7590 American Standard Inc One Centennial Avenue Piscataway, NJ 08855				
EXAMINER YOKAY, ERIN P				
ART UNIT		PAPER NUMBER		
4137				
MAIL DATE		DELIVERY MODE		
10/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,496

Applicant(s)

SADLER, MARC

Examiner

ERIN YOKAY

Art Unit

4137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure. Most notably in this case, the abstract needs to be in the form of just one paragraph as opposed to the current two.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claim 9 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple claim. See MPEP § 608.01(n). Accordingly, the claim 9 not been further treated on the merits because it depends from multiple dependent claim 3.

3. Claim 10 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple claim. See MPEP § 608.01(n). Accordingly, the claim 10 not been further treated on the merits because it depends from multiple dependent claim 9 which depends from multiple dependent 3.

4. Claim 11 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple claim. See MPEP § 608.01(n). Accordingly, the claim 11 not been further treated on the merits because it depends from multiple dependent claim 9 which depends from multiple dependent 3.
5. Claim 12 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple claim. See MPEP § 608.01(n). Accordingly, the claim 12 not been further treated on the merits because it depends from multiple dependent claim 11 which depends from claim 9 which depends from multiple dependent 3.
6. Claim 13 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple claim. See MPEP § 608.01(n). Accordingly, the claim 13 not been further treated on the merits because it depends from multiple dependent claim 11 which depends from claim 9 which depends from multiple dependent 3.
7. Claim 14 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple claim. See MPEP § 608.01(n). Accordingly, the claim 14 not been further treated on the merits because it depends from multiple dependent claim 13 which depends from claim 11 which depends from claim 9 which depends from multiple dependent 3.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by *Walraven* (US 3,895,401). The *Walraven* reference discloses a drain structure comprising: a feed (column 2, line 9), a basin (column 2, line 10), a drain (13), a connection (12), a drain opening (near 12), a drain blocking device (13), overflow (14/47), an overflow pipe (14), overflow opening (47), a main housing (8), an overflow pipe (14) that is rotatable and moves along its longitudinal axis when you manipulate the handle (18), overflow pipe (14) has openings (near 13) in the wall below the overflow opening (47), overflow open refer to fig 7, overflow closed refer to fig 8, the overflow pipe 14 is rotatable to block the wall openings 46 and 47, a cover for the overflow pipe 18 which covers pipe 14.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIN YOKAY whose telephone number is (571)270-7429. The examiner can normally be reached on Monday through Thursday 7:30-5:00, Every other Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 5712724430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art
Unit 4137

EPY